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APR 21 2006

**QUALCOMM**  
INCORPORATED

5775 Morehouse Drive  
San Diego, CA 92121  
Fax: (858) 658-2502

***Facsimile Transmittal***

DATE: April 21, 2006

TO: Commissioner for Patents  
ATTN: Examiner Lee

FAX NUMBER: 571-273-8300

FROM: Carrie Floss, Patent Paralegal

Total Number of Pages Sent: 12 (including this transmittal cover sheet)

\*\*\*\*\*

ATTORNEY DOCKET NO.: 010439  
APPLICANT: Nikolai K. N. Leung  
ASSIGNEE: QUALCOMM Incorporated  
SERIAL NO.: 09/933,971  
FILED: August 20, 2001  
FOR: METHOD AND APPARATUS FOR OVERHEAD MESSAGING IN A WIRELESS  
COMMUNICATION SYSTEM

Dear Examiner Lee,

I am following up regarding the telephone message I left for you today. Attached is the Notice of Appeal filed November 8, 2005 and Notice of Abandonment mailed March 13, 2006.

We request you withdrawal the Notice of Abandonment.

Please contact me if you have any questions.

Sincerely,

Carrie E. Floss  
Sr. Patent Paralegal

\*\*\*\*\*  
Please contact Carrie Floss at (858) 845-1057 if all pages do not transmit.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,971	08/20/2001	Nikolai K.N. Leung	010439	7963

23696 7590 03/13/2006

QUALCOMM, INC  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

EXAMINER

LEE, CHI HO A

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Patent Docketing

MAR 22 2006

QUALCOMM Inc

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	09/933,971	LEUNG ET AL	
	Examiner	Art Unit	
	Andrew Lee	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 05 May 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Patent Docketing

MAR 22 2006

QUALCOMM Inc

ANDREW LEE  
PRIMARY PATENT ATTORNEY

*[Signature]*

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 030806

04-21-06

14:46

From-t 190

+8586515400

T-078

P.004/012

F-425

USPTO  
 Auto-reply fax to +8586515400 COMPANY:

## Auto-Reply Facsimile Transmission



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Received  
 Cover  
 Page

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11-03-06	10:11	Fax-t 190	+8586515400	T-078	P.004	F-425
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**QUALCOMM**  
 INCORPORATED  
 5775 Marneuse Drive  
 San Diego, CA 92121  
 Fax: (650) 658-2502

**OFFICIAL COMMUNICATION**

**Facsimile Transmittal**

**DATE:** November 3, 2005

**TO:** AD  
 Commissioner for Patents

**ATTN:** Examiner: Chi Ho A Lee  
 Art Unit: 2663

**FAX NUMBER:** (571) 273-8300

**FROM:** Ken T. Tam, Attorney for Applicant  
 Registration No. 35,756

**Total Number of Pages Sent:** 7 (including this transmittal cover sheet)

**FILING BY FACSIMILE:**

**ATTORNEY DOCKET NO:** 03449

**ENCLOSED ARE:**

- Notice of Appeal (3 pages) in duplicate

**APPLICANT:** Ninkal Loring et al.  
**ASSIGNEE:** QUALCOMM Incorporated  
**SERIAL NO:** 06923971  
**FILED:** August 20, 2001  
**FOR:** Method and Apparatus for Overhead Monitoring in a Wireless Communication System

Please contact Sherry Schorn at (650) 658-5103 if all pages do not transmit.

**Special Instructions:** THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND CONTAINS INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately. Thank you!

PAGE 07 \* RCVD AT 11/03/05 6:18:00 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-425 \* DNR:2738300 \* CSID:+8586515400 \* DURATION (mm-ss):01-38

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## OFFICIAL COMMUNICATION

**QUALCOMM**  
INCORPORATED5775 Morehouse Drive  
San Diego, CA 92121  
Fax: (858) 658-2502*Facsimile Transmittal*

DATE: November 3, 2005

TO: AP  
Commissioner for PatentsATTN: Examiner: Chi Ho A Lee  
Art Unit: 2663

FAX NUMBER: (571) 273-8300

FROM: Kam T. Tam, Attorney for Applicant  
Registration No. 35,756

Total Number of Pages Sent: 7 (including this transmittal cover sheet)

## FILING BY FACSIMILE:

ATTORNEY DOCKET NO.: 010439

## ENCLOSED ARE:

• Notice of Appeal (3 pages) in duplicate

APPLICANT: Nikolai Louie et al.

ASSIGNEE: QUALCOMM Incorporated

SERIAL NO.: 09/539,971

FILED: August 29, 2001

FOR: Method and Apparatus for Overhead Messaging in a Wireless Communication System

Please contact Sheryl Schoen at (858) 658-5102 if all pages do not transmit.

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## OFFICIAL COMMUNICATION

5775 Morehouse Drive  
San Diego, CA 92121  
Fax: (858) 658-2502

*Facsimile Transmittal*

DATE: November 3, 2005

TO: AF  
Commissioner for PatentsATTN: Examiner: Chi Ho A Lee  
Art Unit: 2663

FAX NUMBER: (571) 273-8300

FROM: Kam T. Tam, Attorney for Applicant  
Registration No. 35,756RECEIVED  
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Total Number of Pages Sent: 7 (including this transmittal cover sheet)

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## ENCLOSED ARE:

- Notice of Appeal (3 pages) in duplicate

APPLICANT: Nikolai Leung et al.

ASSIGNEE: QUALCOMM Incorporated

SERIAL NO.: 09/933,971

FILED: August 20, 2001

FOR: Method and Apparatus for Overhead Messaging in a Wireless Communication System

\*\*\*\*\*  
Please contact Sheryl Schoen at (858) 658-5102 if all pages do not transmit.

**Special Instructions:** THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND CONTAINS INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately. Thank you!

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PATENT

APR 21 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application

Nikoai Leung et al.

Serial No. 09/933,971

Examiner: Chi Ho A Lee

Filed: August 20, 2001

For: Method and Apparatus for  
Overhead Messaging in a Wireless  
Communication System

Group No. 2663

DUPLICATE

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCESMail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated May 5, 2005, rejecting Claims 1 -- 10. The fee for this Notice of Appeal (37 § 1.17(b)) is \$500.00. Applicant hereby petitions a three (3) month Extension of Time.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

- ☐
- deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name: \_\_\_\_\_  
(type or print name)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## FACSIMILE

- ☒
- transmitted by facsimile to the Patent and Trademark Office.

Depositor's Name: Sheryl Schoen  
(type or print name)Date: November 3, 2005Signature: Sheryl SchoenAttorney Docket No.:  
Customer No.: 23696

**PATENT****REQUEST FOR EXTENSION OF TIME**

A Petition for Extension of Time and the appropriate fee are filed herewith to extend the response period from August 5, 2005 to November 5, 2005.



**PATENT****REMARKS**

Please charge Deposit Account No. 17 - 0026 of QUALCOMM, INC. in the amount of \$500.00 to pay the necessary fee due under 37 CFR § 1.17(b) for the filing of the Notice of Appeal.

Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated in the amount of \$1020.00 to pay the necessary fee due under 37 CFR §1.17 to extend the period for response three months from August 5, 2005 to November 5, 2005.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to said Deposit Account No. 17 - 0026. A duplicate of this sheet is enclosed for charge purposes.

Respectfully submitted,

Dated: November 3, 2005

By: 

Kam T. Tam, Reg. No. 35,756  
(858) 651-5563

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502